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**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against: Case No. 1D 2003 63317

MARK JAMES TAYLOR  
402 East Grant Street  
Santa Maria, California 93454

**A C C U S A T I O N**

Physical Therapist License Number PT 10464

Respondent.

Complainant alleges:

**PARTIES**

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California (Board).
2. On or about August 20, 1981, the Physical Therapy Board of California issued Physical Therapist License Number PT 10464 to Mark James Taylor (Respondent). The Physical Therapist License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2004, unless renewed.

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### JURISDICTION

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3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

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4. Section 2239 of the Code states:

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A(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

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A(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The Division of Medical Quality may order discipline of the licensee in accordance with Section 2227 or the Division of Licensing may order the denial of the license when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.@

1                   5.       Section 2660 of the Code states:  
2                   AThe board may, after the conduct of appropriate proceedings under the  
3   Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose  
4   probationary conditions upon, or issue subject to terms and conditions any license, certificate, or  
5   approval issued under this chapter for any of the following causes:



6                   A. . .

7                   A(d) Conviction of a crime which substantially relates to the  
8                   qualifications, functions, or duties of a physical therapist. The record of  
9                   conviction or a certified copy thereof shall be conclusive evidence of that  
10                  conviction.

11                  A. . .

12                  A(i) Conviction of a violation of any of the provisions of this chapter or of  
13                  the State Medical Practice Act, or violating, or attempting to violate, directly or  
14                  indirectly, or assisting in or abetting the violating of, or conspiring to violate any  
15                  provision or term of this chapter or of the State Medical Practice Act.@

16                  6.       Section 2661of the Code states:

17                  AA plea or verdict of guilty or a conviction following a plea of nolo contendere  
18   made to a charge of a felony or of any offense which substantially relates to the qualifications,  
19   functions, or duties of a physical therapist is deemed to be a conviction within the meaning of  
20   this article. The board may order the license suspended or revoked, or may decline to issue a  
21   license, when the time for appeal has elapsed, or the judgement of conviction has been affirmed  
22   on appeal or when an order granting probation is made suspending the imposition of sentence,  
23   irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person  
24   to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict  
25   of guilty, or dismissing the accusation, information, or indictment.@

26                  7.       Section 2661.5 of the Code states:

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1           A(a) In any order issued in resolution of a disciplinary proceeding before  
2           the board, the board may request the administrative law judge to direct any  
3           licensee found guilty of unprofessional conduct to pay to the board a sum not to  
4           exceed the actual and reasonable costs of the investigation and prosecution of the  
5           case.@

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7                                   FIRST CAUSE FOR DISCIPLINE

8                                   (Conviction of a Crime)

9           8.       Respondent is subject to disciplinary action under Code section 2660  
10       subdivision (d), in that he has been convicted of a crime substantially related to the  
11       qualifications, functions, and duties of a physical therapist in that he pled nolo contendere to one  
12       count of driving under the influence of alcohol. The circumstances are as follows:

13               9.       On or about July 14, 2002, Respondent was involved in a traffic collision  
14       at the intersection Alvin and College in the city of Santa Maria. Several field sobriety tests  
15       (FST=s) were administered upon Respondent by a Santa Maria Police Department Officer.  
16       Respondent failed the FST=s.

17               10.      After failing the FST=s, Respondent was arrested and transported to the  
18       Santa Barbara County Jail - Santa Maria substation where he was given a breath test to  
19       determine his blood alcohol level. The breath test determined that Respondent=s blood alcohol  
20       level was .17%.

21               11.      On or about August 8, 2002, in a criminal proceeding entitled  
22       *People of the State of California v. Mark James Taylor* in the Superior Court of California,  
23       County of Santa Barbara, case number 1082971, Respondent was convicted following a plea of  
24       no contest of driving under the influence of alcohol, in violation of Vehicle Code section 23152,  
25       subdivision (b), a misdemeanor. The Court sentenced Respondent to one day of county jail,  
26       three years of unsupervised probation, a restricted driver=s license for 90 days, and various other

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## SECOND CAUSE FOR DISCIPLINE

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(Conviction of a Crime)

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12. Respondent is subject to disciplinary action under Code section 2660, subdivision (d), in that he has been convicted of a crime substantially related to the qualifications, functions, and duties of a physical therapist in that he pled guilty to one count of driving under the influence of alcohol. The circumstances are as follows:

13. On or about August 19, 2002, Respondent was driving his vehicle northbound while traveling in the southbound lane of Bradley Road. Additionally, despite the fact that darkness had set in, Respondent was driving his vehicle without the benefit of headlights. Respondent had a collision with two vehicles while driving on Bradley Road. Respondent=s vehicle came to a stop when it hit a telephone pole at approximately 25 miles per hour.

14. While investigating the incident, the California Highway Patrol officer detected the strong odor of alcohol coming from Respondent=s vehicle. The officer then administered a series of FST=s upon Respondent. Respondent failed the FST=s. Respondent was then arrested and transported to the Santa Barbara Sheriff=s Office - Santa Maria substation where he was given two breath tests to determine his blood alcohol level. The breath tests determined that Respondent=s blood alcohol level was .09% and .10%, respectively.

15. On or about October 3, 2002, in a criminal proceeding entitled *People of the State of California v. Mark James Taylor* in the Superior Court of California, County of Santa Barbara, case number 1083643, Respondent was convicted following a plea of no contest of (1) driving under the influence of alcohol, in violation of Vehicle Code section 23152, subdivision (b), a misdemeanor, and (2) driving while license suspended/revoked, in violation of

Vehicle Code section 14601.5, subdivision (a). The Court sentenced Respondent to 60 days in county jail, three years unsupervised probation, a suspended driver=s license for 2 years, and various other fines.

### THIRD CAUSE FOR DISCIPLINE

(Use of Alcohol to an Extent Dangerous to the Public)

16. Respondent is subject to disciplinary action under Code section 2239, subdivision (a), and 2660, subdivision (i), in that he has used alcoholic beverages in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public or that he has sustained more than one misdemeanor conviction involving consumption of alcohol. The circumstances are as follows:

17. The facts and allegations in paragraphs 8 through 15, inclusive, are incorporated here by reference.

### PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

1. Revoking or suspending Physical Therapist Number PT 10464, issued to Mark James Taylor;

2. Ordering Mark James Taylor to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5; and

3. Taking such other and further action as deemed necessary and proper.

DATED: August 29, 2003

Original Signed By:

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STEVEN K. HARTZELL  
Executive Officer  
Physical Therapy Board of California  
Department of Consumer Affairs  
State of California  
Complainant